

TITLE 7. HARBORS AND NAVIGATION
DIVISION 2. STATE BOARD OF PILOT COMMISSIONERS FOR THE BAYS OF SAN
FRANCISCO, SAN PABLO AND SUISUN

Article 6. Government of Pilots, Inland Pilots and Trainees
Section 219, New subsection (z)
Portable Pilot Units

Section 219. Duties of Pilots and Inland Pilots

Add a new subsection (z) to read:

(z) A pilot and an inland pilot shall be equipped with a portable pilot unit while piloting, except as provided in subsection (z)(3) below.

(1) The portable pilot unit shall have, at a minimum, the capability to display the following information:

(A) Electronic navigation charts for the waters being piloted with any recent navigational data provided by government agencies.

(B) The piloted vessel's position and heading on the electronic navigation charts to the accuracy required by the International Maritime Organization for Automatic Identification Systems, and

(C) Other navigational information provided through the piloted vessel's Automatic Identification System pilot plug.

(2) A pilot and an inland pilot shall be trained in the use of portable pilot units.

(3) A pilot and an inland pilot shall be equipped with a portable pilot unit except when an unacceptable safety hazard prevents its carriage.

(A) A pilot shall report to the Port Agent the circumstances of such unacceptable safety hazard within 24 hours of the completion of the vessel transit.

(B) The inland pilot shall report to the Executive Director of the Board the circumstances of such unacceptable safety hazard within 24 hours of the completion of the vessel transit.

(4) Portable pilot units are one of several navigational tools that can provide the pilot with valuable information in the navigation of a vessel, but may still represent emerging and evolving technology with inherent limitations. Whether a portable pilot unit is used in specific circumstances is left to the discretion of the pilot and inland pilot. Nothing in this provision shall be construed as a presumption of fault if a pilot or inland pilot does

not use the portable pilot unit when otherwise available, nor shall the lack of a portable pilot unit preclude the pilot or inland pilot from carrying out his or her piloting duties.

Note: Authority cited: Section 1154, Harbors and Navigation Code. Reference: Sections 1100, 1101(c), 1101(f), ~~1130(a)~~, 1131, 1133, 1136(b), 1137, 1138, 1139, 1141(d), 1157, 1159.1, 1162, 1165, 1171.5, 1175, 1180, 1181, 1195 and 1196, Harbors and Navigation Code; and Title 46, Code of Federal Regulations, Section 4.03-2 and Part 16.

Article 1. Section 202. Other Definitions

Add a new subsection (s) to read:

Article 1. Definitions.

202. Other Definitions

- (a) "Administrative Assistant/Secretary" means the individual appointed by the Board pursuant to Section 212.
- (b) "Bays of San Francisco, San Pablo and Suisun" means all the waters of those bays and of the tributaries, ports and harbors of those bays, and includes the water areas from the south end of San Francisco Bay and from the Ports of Sacramento and Stockton to the Golden Gate Bridge.
- (c) "Certificate of completion" means the certificate given by the Board to a pilot trainee notifying the trainee that he or she has successfully completed the training program.
- (d) "Chemical test" means a scientifically recognized test which analyzes an individual's breath, blood, urine, saliva, bodily fluids, or tissues for evidence of dangerous drug or alcohol use.
- (e) "Conflict of interest code" means those provisions in Section 222 which define conflicts of interest for licensees of the Board.
- (f) "Conflict of interest code of the Board" means those provisions in Section 212.5 which define conflicts of interest for designated employees of the Board.
- (g) "Dangerous drug" means a narcotic drug, a controlled substance, marihuana, or a controlled-substance analogue (as defined in section 102 of the federal Comprehensive Drug Abuse and Control Act of 1970 (Title 21, United States Code, Section 802)).
- (h) "Executive Director" means the individual appointed by the Board pursuant to Section 211.
- (i) "Fails a chemical test for dangerous drugs" means that the result of a chemical test conducted in accordance with Title 49, Code of Federal Regulations, Part 40 is reported as "positive" for the presence of dangerous drugs or drug metabolites in an individual's system by a Medical Review Officer in accordance with that part.

(j) "Inland pilot" means an individual licensed as an inland pilot by the Board.

~~(k) "Investigator" means a person employed by or under contract with the Board and assigned to investigate a navigational incident involving a vessel piloted by a pilot or inland pilot licensed by the Board, or any other matter for which a pilot's or inland pilot's license may be revoked or suspended pursuant to these regulations, including a possible conflict of interest as set forth in Section 222, or to investigate reports of suspected pilot ladder or pilot hoist safety violations.~~

~~(l)~~ (k) "Medical Review Officer" means an individual designated to carry out the duties specified in Title 46 Code of Federal Regulations Section 16.370 on behalf of the pilots, inland pilots or pilot trainees.

~~(m)~~ (l) "Monterey Bay" means all the waters of that bay and of the tributaries, ports and harbors of that bay.

~~(n)~~ (m) "Pilot" means an individual licensed as a pilot by the Board other than as an inland pilot.

~~(o)~~ (n) "Pilot Evaluation Committee" means the committee appointed by the Board pursuant to Section 209.

~~(p)~~ (o) "Pilot trainee" or "trainee" means a person who is training as a pilot in the pilot trainee training program established by the Board.

~~(q)~~ (p) "Pilotage grounds" means all waters extending eastward from the precautionary area surrounding buoy SF to, and including, the Bays of San Francisco, San Pablo and Suisun, and also includes the waters of Monterey Bay, eastward of a straight line drawn between Point Santa Cruz Light and Point Pinos Light.

(q) "Portable Pilot Unit" means a portable, computer-based system that a pilot brings on board a vessel to use as a decision/support tool for navigating in confined waters.

(r) "Port Agent" means the individual identified in Section 218.

(s) "Serious Marine Incident" means an event or events that meet the definition of "Serious Marine Incident" under Title 46, Code of Federal Regulations, Section 4.03-2.

(t) "Training program" or "program" means the standards and procedures for training pilots, inland pilots and pilot trainees adopted by the Board as contained in Sections 214 and 215.

Note: Authority cited: Section 1154, Harbors and Navigation Code. Reference: Sections 1101(e), 1101(h), 1110, 1113, 1114, 1114.5, 1154, 1156, 1156.5, 1156.6, 1170.3, 1171.5, 1180, 1180.3 and 1181, Harbors and Navigation Code; Title 21, U.S. Code, Section 802; Title 46, Code of Federal Regulations, Sections 4.03-2, 97.90-1 and 108.719, subparts 163.002 and 163.003, and Part 16; and Title 49, Code of Federal Regulations, Part 40.

